

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

11020 Sun Center Drive, #200, Rancho Cordova, California 95670-6114

**PUBLIC HEARING**  
concerning

*Consideration of an Administrative Civil Liability*  
for

**CITY OF TRACY**  
**SAN JOAQUIN COUNTY**

The Executive Officer of the California Regional Water Quality Control Board, Central Valley Region (hereafter Regional Board), issued a complaint for Administrative Civil Liability in the amount of \$120,000 to the City of Tracy (Discharger) for the discharge of up to 585,000 gallons of chlorinated effluent to Old River. The Complaint was issued for violations of Waste Discharge Requirements (WDR) Order No. 96-104 (NPDES No. CA0079154), pursuant to California Water Code section 13385, which authorizes the imposition of Administrative Civil Liability.

The Discharger owns and operates the City of Tracy Wastewater Treatment Plant, which provides sewerage service to the City of Tracy. Treated municipal wastewater is discharged to Old River, a water of the United States, and part of the Sacramento-San Joaquin Delta.

On 21 October 2003 the City of Tracy Wastewater Treatment Plant experienced a failure of the sulfur dioxide feed system, which provides dechlorination of the effluent prior to final discharge to Old River. This resulted in the discharge of approximately 585,000 gallons of chlorinated effluent to Old River, violating WDR Order No. 96-104.

The Discharger has proposed a supplemental environmental project (SEP) to offset a portion of the penalty. The SEP proposal is for three education and outreach projects to be implemented by the Water Education Foundation. The proposed projects are the revision, printing, and distribution of the *Layperson's Guide to Water Pollution*, production of the *California Water Pollution Facts* booklet, and presentation of two Project WET *Healthy Water, Healthy People* workshops. Due to outstanding issues, the SEP is not recommended for approval in the tentative Order. However, the Regional Board may consider approval of the SEP during the board hearing.

A **formal** public hearing concerning this matter was previously scheduled for 23/24 June 2005, at the Regional Water Quality Control Board office in Rancho Cordova, California or the Cal/EPA Building in Sacramento, California. The date of the hearing has been changed as follows. The hearing considering this matter will now be held during the Regional Board meeting, which is scheduled for:

DATE: 15/16 September 2005  
TIME: 8:30 AM  
PLACE: CV-RWQCB Board Room  
11020 Sun Center Drive, #200  
Rancho Cordova, CA 95670

The designated parties for this hearing are as follows:

- Staff of Central Valley Regional Board
- City of Tracy

Only designated parties will have these rights: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses; to impeach any witness; and to rebut the evidence against him or her. All other persons wishing to testify or provide comments are interested persons and not designated parties. Such interested persons may request status as a designated party for purposes of this hearing by submitting such request in writing to the Regional Board no later than **12 September 2005**. The request must explain the basis for status as a designated party and in particular how the person is directly affected by the discharge.

The tentative Administrative Civil Liability Order was issued for public comment on **17 May 2005**. Comments on the tentative Administrative Civil Liability Order were due by **16 June 2005**. Therefore, the written comment period for this item is closed, except for comments on minor revisions made to finding 12 regarding “circumstances”, which are due by **12 September 2005**. A Notice of Public Hearing was previously mailed to known interested parties on **17 May 2005**. The only change from the previous Notice of Public Hearing is the date of the Regional Board hearing.

All designated parties and interested persons may speak at the Regional Board meeting, and are expected to orally summarize their written submittals. Oral testimony and cross examination will be limited in time by the Board Chair.

Anyone having questions on the Administrative Civil Liability should contact Mr. James Marshall at (916) 464-4772. Interested parties may download the proposed Order and related documents from the Regional Board’s Internet website at <http://www.waterboards.ca.gov/centralvalley/tentative/>. Copies of these documents can also be obtained by contacting or visiting the Regional Board's office at 11020 Sun Center Drive, #200, Rancho Cordova, California 95670-6114 weekdays between 8:00 a.m. and 5:00 p.m.

The procedures governing Regional Board meetings may be found at Title 23, California Code of Regulations, Section 647 et seq. and is available upon request. Hearings before the Regional Water Board are not conducted pursuant to Government Code section 11500 et seq. The procedures may be obtained by accessing [http://www.waterboards.ca.gov/water\\_laws/](http://www.waterboards.ca.gov/water_laws/). Information on meeting and hearing procedures is also available on the Regional Board’s website at [http://www.waterboards.ca.gov/centralvalley/board\\_meetings/mtgprocd.html](http://www.waterboards.ca.gov/centralvalley/board_meetings/mtgprocd.html) or by contacting any one of the Regional Board’s offices. Questions regarding such procedures should be directed to Ms. Janice Tanaka at (916) 464-4839. **The exact date and location will be provided in the agenda that will be available 10 days prior to the meeting.**

NOTICE OF PUBLIC HEARING  
CITY OF TRACY  
WASTEWATER TREATMENT PLANT  
SAN JOAQUIN COUNTY

-3-

The hearing facilities will be accessible to persons with disabilities. Individuals requiring special accommodations are requested to contact Ms. Janice Tanaka at (916) 464-4839 at least 5 working days prior to the meeting. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

Please bring the above information to the attention of anyone you know who would be interested in this matter.

12 August 2005

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KENNETH D. LANDAU, Assistant Executive Officer